

From: [ANDERSON Jim M](#)
To: [Eric Blischke/R10/USEPA/US@EPA](#); [Chip Humphrey/R10/USEPA/US@EPA](#)
Cc: [STRUCK Rodney](#); [MCCLINCY Matt](#)
Subject: FW: USACE/NOAA SLOPES III and Environmental Drilling
Date: 10/11/2005 10:25 AM
Attachments: [SLOPES III Final.pdf](#)

Eric & Chip,

We're trying to assist AMEC getting their permits for installing beach MWs off Arkema for the Rhone Poulenc work. We've had some road blocks trying to get thru (or exempted from) the City's Greenway Review process..., but I think we're slowly working our way thru the City issues.

AMEC was informed 10/6 by the Corps & NOAA that AMEC needs a Formal Consultation (including a BioOp) for the MW work. The attached SLOPES document describes activities that don't need further Consultation, but specifically excludes "drilling or sampling in an Environmental Protection Agency (EPA)-designated Superfund Site, a state-designated clean up area, or the likely impact zone of a significant contaminant source, as identified by historical information or the Corps' best professional judgment" (page 61).

How is all the LWG work getting around this Formal Consultation requirement?

James M. Anderson

DEQ Northwest Region

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-----Original Message-----

From: ROICK Tom
Sent: Tuesday, October 11, 2005 9:43 AM
To: ANDERSON Jim M
Cc: MCCLINCY Matt; STRUCK Rodney
Subject: FW: USACE/NOAA SLOPES III and Environmental Drilling

To summarize the document:

NOAA and the Corps completed a biological opinion to cover a range of Standard Local Operating Procedures for Endangered Species (SLOPES) for Oregon and the North shore of the Columbia. Activities covered by SLOPES do not require further consultation. A number of activities are excluded and require individual consultation, including "drilling or sampling in an Environmental Protection Agency (EPA)-designated Superfund Site, a state-designated clean up area, or the likely impact zone of a significant contaminant source, as identified by historical information or the Corps' best professional judgment."

Further reading suggests one concern is management of drilling spoils or drilling fluids to ensure they are not disposed of in the waterway.

As AMEC notes the trigger apparently is activities below ordinary high water, in a navigable waterway, with ESA.

Tom

-----Original Message-----

From: Sean Gormley [mailto:sean.gormley@amec.com]
Sent: Tuesday, October 11, 2005 8:29 AM
To: ANDERSON Jim M; ROICK Tom
Subject: USACE/NOAA SLOPES III and Environmental Drilling

Tom and Jim,

Here is a copy of the USACE/NOAA SLOPES document for your reference. Please see text on page 61 related to drilling in cleanup areas.

I think this is the place where the problems start, and that these requirements have the potential to impact more than the RP-Site SCE over time. USACE/NOAA involvement comes from the fact that the program is being conducted below the ordinary high water line. We are reviewing things one more time to see if there is a way to avoid this complication.

Sean

From: ANDERSON Jim M [mailto:ANDERSON.Jim@deq.state.or.us]
Sent: Tuesday, October 11, 2005 7:18 AM
To: Teresa Wilson; ROICK Tom
Cc: Roger Gresh; Tim Johnson; Sean Gormley; Christy Johnson; bob.ferguson@slli.net; jbenedic@chbh.com; Stuart.Dearden@sanofi-aventis.com
Subject: RE: RP - SCE permitting status

Teresa,
That's not good news.

I thought that NOAA only got involved if there was a federal nexus. The work is being done under DEQ, not EPA's CERCLA program, so if there is a federal nexus, it must be the Corps' permit. What is the Corps' jurisdiction over the work? It's not work in the nav channel & it's not work with enough volume to kick-in cut & fill regs. Is it because of the DSL permit? If so, I thought it was settled that a DSL permit wasn't required since the work was on Arkema land, not DSL land.

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-----Original Message-----

From: Teresa Wilson [mailto:teresa.wilson@amec.com]
Sent: Monday, October 10, 2005 9:35 PM
To: ROICK Tom; ANDERSON Jim M
Cc: Roger Gresh; Tim Johnson; Sean Gormley; Christy Johnson; 'bob.ferguson@slli.net'; 'jbenedic@chbh.com'; 'Stuart.Dearden@sanofi-aventis.com'
Subject: RP - SCE permitting status

Tom and Jim --

As you know, SLLI and AMEC have been working through permitting for the beach portion of the Stage 1 SCE investigation. We submitted a joint application for DSL and USACE back in July, and have been working with them through the process. On Thursday, we were informed by USACE that NOAA determined the need for a Formal Consultation (including a biological opinion) in September, a process with a standard turn-around of 135 days.

We are in the process of obtaining more details from USACE and/or NOAA to find out if there is any way to avoid, or expedite, the process in our case. However, should it be necessary to let this run its course, we will not be completing the beach area work in 2005.

We will keep you posted and will provide more information as it is available to us.

--Teresa

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